

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
CASE NO.: 07-cv-6034

JULIA PICHARDO

Plaintiff,

-against-

NEW YORK UNIVERSITY and
JANE DOE – Student,

Defendants.

NOTICE OF MOTION

PLEASE TAKE NOTICE, that upon the annexed Certification of Daniel J. Fox, Esq., the exhibits annexed thereto, and all prior proceedings had herein, Defendant NEW YORK UNIVERSITY (“NYU”) by and through its undersigned attorneys in this action, Goldberg & Associates, will move this Court before The Honorable Michael H. Dolinger, Courtroom 17D, 500 Pearl Street, New York, New York 10007-1312 on the 21st day of July 2008 at 9:30 o’clock in the forenoon of that day, or as soon thereafter as counsel can be heard for an Order:

1. Pursuant to Section 41(b) of the Federal Rules of Civil Procedure striking Plaintiff’s Complaint in its entirety with prejudice and granting judgment of dismissal in NYU’s favor on the grounds that Plaintiff has failed to comply with this Court’s prior orders pertaining to discovery and otherwise refuses to prosecute her claim; and

2. Granting such other, further and different relief that the Court deems just and proper.

PLEASE TAKE FURTHER NOTICE that this motion is being made in compliance and pursuant to leave granted by the within Court by Orders dated March 24 and June 9, 2008.

PLEASE TAKE FURTHER NOTICE that this motion is being submitted on the papers and NYU is not requesting a hearing unless a hearing is required by the Court.

Dated: New York, New York
June 27, 2008

Respectfully submitted,

GOLDBERG & ASSOCIATES
Attorneys for Defendant NYU

BY: /s/
DANIEL J. FOX (DF-4765)
39 Broadway, 17th Floor
New York, NY 10006
212-968-2300

TO: **Via Certified Mail R.R.R.**
and Regular U.S. Mail to:

Julia Pichardo
Plaintiff *pro se*
P.O. Box 433
Hawthorne, NJ 07514